

Report Date: November 22, 2006

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 27 2006

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Shep David Kuester

Case Number: 2:04CR00195-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 05/20/2005

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Steal Money from  
U.S. in Excess of \$1000, 18 U.S.C. § 371 & 641

Date Supervision Commenced: 10/27/2006

Original Sentence: Prison - 18 Months;  
TSR - 36 Months

Date Supervision Expires: 10/26/2009

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

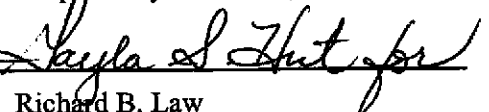
- 15 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 16 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

Pursuant to U.S. v Stephens, Ninth Circuit case law, the above request for modification of conditions of supervision is being submitted with the offenders consent.

Respectfully submitted,

by



Richard B. Law

U.S. Probation Officer

Date: November 22, 2006

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Prob 12B

**Re: Kuester, Shep David**

**November 22, 2006**

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



\_\_\_\_\_  
Signature of Judicial Officer

Nov. 27, 2006

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

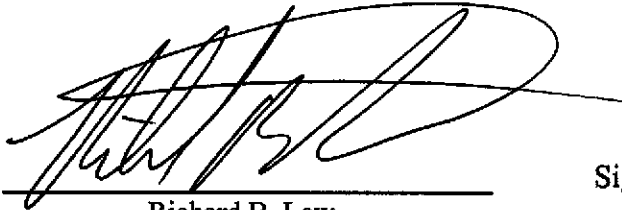
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 15 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 16 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:



Richard B. Law  
U.S. Probation Officer

Signed:



Shep David Kuester  
Probationer or Supervised Releasee

November 22, 2006

Date